A 1 Coll 27
1915.

pp. F. IX-4

1915.

File No. 18-15

Previous References

(Legis)

Serial Nos. 1-5+
(8-9)

Later References

Act 1885

Genl. No. Gl. Govt. Gazette

General and Revenue Secretariat.

A collection

Serial Nos. Seven

Manuscript **Part B** for April 1917

SUBJECT

The Mysore Arbitration Regulation

Ramaswamy Iyengar
9-11-27

~~Previous Reference~~ 191 5

File No 18-1915.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Proceedings of the General and Revenue Secretariat.

Judicial and Legislative (Legislation)

For April 1917.

"A" Collection. Serial No 1-5

The Mysore Arbitration Regulation.

Table of contents

Serial No	Number and date of letter and contents.	Page in A Proceedi
1.	To the Registrar, Chief Court. No J 2727 dated 12-1-16. Calls for the opinion of the Judges of the Chief Court on the advisibility of introducing into Mysore a law on the lines of the Indian Arbitration Act.	
2.	From the Registrar, Chief Court. No 3400/271 dated 21-1-16. States that the Judges do not know of any objection to the introduction of the Act with suitable verbal alterations.	
3.	To the Hon'ble the Resident in Mysore. No 3940 dated 31-3-16. Forwards a Bill to amend the law relating to arbitration and informs that the same will be placed before the Legislative Council in due course.	
4.	From the First Assistant to the Resident. No 2537 dated 8-4-16. Informs that the Resident sees no prima facie objection to the Bill.	
5.	To the Compiler, Mysore Gazette. No J 3597 dated 9-4-17. Notifies the promulgation of the Bill as law T V R.	

G. R. S. 11] 1915

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 18-1

FILE HEADING.

The Mysore Arbitration Regulation

From

No. Dated Received

Diary No. Enclos. Spare Copies. Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Extract from marginal note by First Member against (para 68) on page 20 of the notes to Legis 46-14 (The Mysore Companies Reg. Lib.)

69. The Arbitration Act may be brought in separately and the present draft made to refer to it.

× × × ×

Noted W.V.N. 6/9/15

NOTES—First Sheet.

GPB—20,000-8-8-14

F. R. S. 12]

General and Revenue Secretariat. | Legis File No. 18 of 191 5

Serial No.	
	1) Subd. Spare copies of the Indian Arbitration Act were received only yesterday evening. A draft Arbitration Bill is put up. The necessary alterations in the Indian Act have been made in pencil and will be inked after approval. S.V.S. 18/9/15
	2) Please put up a clean draft. Vm early. Sd Srinivasa Iyer 20/9
	3) Subd. Clean draft is put up S.V.S. 20/9
	4) S. 2 may be milled and the Regulation may be made applicable to the whole of Mysore, if approved. Then S. 3 will have to be slightly modified.
	5) Draft statement of objects and reasons is also submitted for approval Sd Srinivasa 28/11/15
	~~Jud. Member~~ Sd
	6) The measure may be placed before the Legl Council along with the Companies' Regn Bill. (Please circulate for Council) 14/12/15 H.V. Nanjundaiya

NOTE—Contn. sheet.

15/12/15

GPB—20,000—30-6-15

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The points for noting are
1) whether the existing
provisions are adequate
and (2) why the arbitration
Sections were separated
from the main provisions
of the Civil Procedure Code.

As regards (2), it is
stated that at the time of
withdrawing the new code in
1908, the questions arose
whether (1) any of the
Sections of the Indian Arbitration
Act 1899, should be incorporated
into the Act itself, and 2) whether
the right of appeal which
existed under the old Code

Thanks for this
clear note. It
will be useful later
on when dealing
with the measure
in the Leg. Dept.
14/12/15.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

should be allered and if so, in what direction. The Select Committee were of opinion that the best course would be to eliminate from the Code all the provisions relating to ~~the Code~~ Arbitration and insert them in a new and comprehensive Arbitration Act, but as there were difficulties that course being adopted, they left the arbitration clauses more or less in their old form but placed them in a schedule in the hope that they may, at no distant date be transferred into a Separate Act.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

5

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

In regard to the first point, the matters which may be referred to arbitration are :—

(a) Present disputes between parties to a pending Suit;

(b) Present disputes between persons who are not parties to a suit;

(c) Future disputes between persons who are not parties to a suit.

(a) These can be referred to arbitration under the Code of Civil Procedure.

(b) 1) The agreement may be filed in Court, and the Court may refer the arbitrator named or appoint an arbitrator.

2) The arbitrator may pass an award, and the award may be filed in Court.

Both these cases are provided for in the Code of Civil Procedure.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(c) under s 28 of the Contract Act, agreements to refer such disputes to arbitration is legal. Though the Civil Procedure code does not contemplate the filing of such agreements, still the occasions for such filing can only arise when a dispute has actually arisen. And as the decision of the Bombay High Court (in 20 Bom 232) such a case falls under s 523 of the Civil Pro. Code. But as pointed out in that very case, unless the agreement names the arbitrator, it does not fall within the Section. So an agreement which provides for future agreement (dispute) or election of arbitrators does not fall within the Section. In this way, the law may be said to be inadequate.

This was not quite necessary for the decision of the case, may be considered as obiter inasmuch as it was held that on account of the second reason, the case did not fall within the scope of the Section.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

7

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

under S 21 of the Specific Relief Act, contracts to refer to arbitration cannot be specifically enforced; but if any of the parties refuses to perform his contract, suit may be brought to compel him to perform it (vide proviso to S 19 of the Indian Arbitration Act and S. 22 of Second Schedule to the Code of Civil Procedure)

SS
21/7/15

First Member)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

J Mis 38/-15

6 3

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 18 of 1915.

Serial No.

1) For favour of perusal & circulation
G Srinivasa Rao 18/12

Secy)
Considered
MN 18/12/15

2) For orders of the Dewan about
Circulation
V.R. Thyagaraja Iyer
MN
20/12/15

31 § 8A
20.12.15

3) Note first member has no objection,
the judges of the Chief Court may be consulted
4-1-16. K Viswesvarayya
Dewan & Law
4/1

4) None whatever.
H.V. Narasimhaiya
5/1/16

Legis 7/1

5) Draft may be put up
G Srinivasa Rao 7/1/16

6) Subs. with a draft to the Chief Court
S.V.S.
10/1/16 MK
G. Srinivasa Rao
18/1/16

7) Draft appd. by First member
10.1.16.
MN

Sec A 24/1

8)

NOTE—Contn. sheet.

GPB—20,000—30-6-15

G Srinivasa Rao 24/1

2042 9 4

J. R. S. 12]

General and Revenue Secretariat. | Regn. File No. 18 of 1915

Serial No.

1 To The Registrar Chief Court
No. 2727 12-1-1916
Calls for the opinion of the Judges
on the advisability of introducing
into Nupore a law on the lines of
the Indian Arbitration Act.

2 From the Registrar Chief Court
No. 3400/271 21-1-1916
States that the Judges do not know
of any objection to the introduction
of the Act.

18 Subd. The opinion of the chief Court was
ordered to be obtained, by the Dewan
26/1/16 in para 9 (page 4).
S.V.S.
26/1/16 N.N

Sch. can. 16) Submitted for favour
Dewan's orders. Ref — para 9

Dy Registrar 26/1/16

(Dy Registrar for Dewan)

11/2/16 Dewan 11/2

Dy Registrar 9/2

4266/14.2.16

17) May be disposed of by
Circulation —

28/2/16

29/2/16

NOTE—Contn. sheet.

GPB—20,000—30-6-15

10

(For disposal by circulation)

No. C. 225

29/2/1916

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule).

Draft Arbitration Bill.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

29th February 1916

Secretary to Government.

Extraordinary Member of Council.

First Member of Council. Seen by the First Member of Council.

Second Member of Council. Copy noted for 2nd member.

WD 2012—GPB—1 000—9-2-16

2042

11 5

G. R. S. 12]

General and Revenue Secretariat.

Legs File No. 18 of 1915.

Serial No.

18) Sanction may be accorded for the introduction of this useful Bill into the Leg. Council

vesavalarja Avs

1/3/16

(Circulation Completed)

19) Draft Final Note is Submitted for favour of approval

Srinivasa 4/3 Iyer

20) First Member ... Fin. final note appd.

Dunn

21) A. D.S.N is the put up. Dunn 9/3

Dewar)

4711
9.3.16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Final Note by the First Member of Council.

Subject:— THE MYSORE ARBITRATION BILL.

21) The existing law relating to arbitra-tion in the State is the same as it was in British India before 1898. It was found to be inadequate as the provisions in the Specific Relief Act were of a negative kind and those in the Code of Civil Procedure were defective in that it was doubtful if they would apply to disputes which might arise in future and that they required the agreement to refe refer either to name the particular arbitrator or to leave the court to appoint one.

23) To remedy these defects, the Indian Arbitration Act IX of 1899 was passed and it is stated to be working well in British India.

22) The necessity for these provisions is also felt here as the Bill to amend the law re-lating to Joint Stock Companies is now before the Legislative Council and the provision in the exist-ing Regulation are found to be neither satisfactor nor well drafted. The Bill has been drawn up on the lines of the Indian Arbitration Act, 1899, and has been approved by the Council. His Highness' gracious approval is required for placing the Bill before

before the Legislative Council.

7/3/16

H. Manjunadayya

First Member of Council.

Submitted to His Highness.

~~23~~ 23) I submit herewith a final note by the First Member of Council on the Mysore Arbitration Bill.

~~16~~ 2. 24) The Bill has been approved by the Council. If approved, it will be placed before the Legislative Council.

M. Visvesvaraya

23rd March 1916.

* Page 5 of office note.

15

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Permission to place the Mysore Arbitration Bill before the Legislative Council.

882

25

Order.

~~27~~ KRM

25/3/16

Sundays

26.3.16 Ko

Rec 27/3

28/3

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 18 of 1915.

Serial No.	
28	26) Subd. with a draft D.O. to the Residency. The D.O. has to issue from the Dewan's office. The copies of the Bill and of the St. of O. and R. for the Residency has to be attested. S.V.S. 28/3/16 MM. Examined 28/3 Legis
	(Dewan) 29) 27/3 for approval of draft letter to Residency. Was Havoded 28/3 (Dewan) 29/3
5140 29.3.16	26) 30) The Draft letter approved by the Dewan has been issued and placed on file (No. 3930 & 31.3.16) CBR 30.3.16. Draw 1/4 Ex 1/4
3	D.O. No. 3930 & 31-3-16. To the Hon'ble the British Resident in Mysore Forwards a Bill to amend the law relating to arbitration and informs that the same will be placed before the Legis. Cl. in due course.
4	D.O. No. 2537 & 8/4/16 From the First Asst. to the Hon'ble the Resident in Mysore Informs that the Resident has no prima facie objection to the Bill

NOTE—Contn. sheet.

2705-15

WD. 1233—GPB—60,000—1-12-16—S.

17.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 18 of 1915

Serial No. 29/

Sub) The Bill was published under orders of the Dewan under Rule 32 of the Legis. Cl. Rules. It was read in council on the 28th April 1917 and was referred to a Select Committee. The report of the Select Committee ~~was considered~~ was considered on 20/3/17 in council with the Bill as amended by them and the Bill as amended was passed. The gracious sanction of His Highness the Maharaja is required for promulgating the Bill as law. A draft Final note by the Second Member and a draft Submn note are put up. A copy of the Bill as passed by the Legis. Cl. is also put up.

Flag S

S.V.S.

28/3/17 VKL

30) In favour of kind approval.

S. Srinivasa Ayyar 28/3

345 28.3.17

~~Second Member~~ 31) A R Banerji 29/3

31) D.S.N is submitted for favour of Dewan's kind approval

Seen 29/3

NOTE.—Contn. sheet.

Secy)

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 18 of 1915-16.

Serial No.

5473
29-3-17

Dy. Secy. Legis
29/3
EB
29/3

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

Subject:— Promulgation of the Mysore Arbitration Bill as law.

S
T
W

31 The bill to amend the law relating to Arbitration has passed through the Legislative Council in due course. Its scope and purpose are fully explained in the Statement of Objects and Reasons, and the report of the Select Committee deals with the important amendments made therein. The gracious sanction of His Highness the Maharaja is required for promulgating the Bill as law.

29th March 1917.

MEMBER OF COUNCIL.

29.3.17

Submitted to His Highness.

K 32) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* the promulgation of the Mysore Arbitration Bill as law. *for His Highness' gracious approval.*

K. Seshadri

Dewan.

1.4.17

C. 225 (Cur) 21

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation of the Mysore Arbitration Bill as law.

1002

33) ***Order.***

~~KRW~~
31/4/17

1164

KRW
13.4.17.

3 pm

11/4

2678
11.4.17

349
14-4-17

Sunday
5.4.17 do

34 draft above

2705-15

22

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2)

General and Revenue Secretariat.

Legis File No. 18 of 1915.

Serial No.	
35	Subv. with a draft order to the Compiler S.V.S. 9/4/17
36	Issue before 2 PM today Ex'd in roznamcha 9.4. Iyer
5	To the compiler Despore Gazette nos 3597 9 to 13 Apr. 17 Notifies the promulgation of the Despore Arbitration Bill as law Subv. Spare copies of the Regulations were received from the Press today and two drafts one to the Residency and the other to the Secy. (Judicial) to Govt. of H.H. the Nizam of Hyderabad is put up A. 7-7-17 19/6/17 Issued 19/6
6	To, The H.A. Resident Pol 1281 25.6.17 Forwards 9 Copies of Regn. I of 1917
7	To, The Secy to the Govt. of H. Highness the Nizam Judl Deptt Hyderabad ~~J 26-6~~ J4864 26.6.17 Forwards 2 Copies of Regn. I of 1917.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. Legs File No. 18 of 191 S.

Serial No.

37 Since no objection has been received to said to have ceased, Please take action as above to put up draft notifn for Bangalore, Mysore & Kolar districts

D. M. 16/12/19

38 Under S. 2 of the Arbitration Regn, it applies to such areas & from such date as are notified by Govt. Draft notifn is sent as per orders

18/12-19 Approved 18/12

39 The provisions of the Regn relating to Arbitration, cannot be applied in the absence of a notifn under S. 2 (I of 1917). It is said that action has not been taken under the said section & that doubts are being entertained in Courts about the applicability of the Regn. Hence draft notifn is put up for issue

D. M. 19/12

Orig sent 2nd member

40 Why only in these districts? 23/12

2nd note D. M. 23/12

NOTE—Contn. sheet.

2705-15

G. R. S. III-2]

General and Revenue Secretariat. | Legl. File No. 18 of 191 5

Serial No.

Slip

Recd 21

Why not in the Mysore districts also.

20/1

Subd 21

41

The insertion of s. 2 para 6 shows that the Regn was not probably intended to be introduced to the entire Provinces at once. We may perhaps have first introduced into the three districts as proposed & then extended to the other districts, if necessary.

42

II Member

D. M. 21/1

2190 6.1.20.

12/1/20

Mysore Govt to say

43

D. M. 13/1

8 | To The Compiler, Mysore gazette.

No. G. 15953 | Dt 13th January 1920.

Notifies that the S 2 of the Arbitration Regulation shall apply to the districts Bangalore, Mysore & Shimoga from 18th

2 FEB 1920

NOTE—Contn. sheet.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Rules under the Cyprus Arbitration Rules

Draft to the Chief Court is submitted as directed

13/7

13/7

Please submit as 44 noted also explaining the Regn to other districts

18/7

Done

To the Registrar Ch Court No 9221 dt 13.7.21

Enquiries whether any rules have been framed by the Ch Court under the Arbitration Regulation and if so the number and date & the Proceedings may be intimated

45 Issued with a draft Notifn as per Orders. The Regn has already been made applicable to the Dts of Bangalore, Mysore & Shimoga.

18/7/21

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

General and Revenue Secretariat.

Left File No. 16 of 1915

Serial No.

40 In view of the proposed reference of the disputes between Govt & the Contractors of the Arasikere Rly to an Arbitrator, about which I am putting up a separate note under the orders of the Rly Member, it is necessary that the Rly Board be made applicable to the Hassan district.

41 A draft notification is put up for approval proposing to extend the Rly Act to the remaining districts.

D. M. (87)

Rly Secy 19.7.21.
2nd Member

488/19.7.21

48 Appd
20/7

Dewan 49 Secy 20.7.21
22.7.21

50 Issue
23.7.21.

9 To see Compiler
Seapore Gazette
no 9445 dt 25.7.1921

NOTE—Contn. sheet.

DEWAN'S OFFICE.
Recd. on JUL 20 1921
Reg. No. 4440

G. R. S. III-2,

General and Revenue Secretariat. Cases File No. 18 of 1915.

Serial No.	
	Notifies that the Sanpore Arbitration Regulation shall apply to the District of Gilgit, Gumshal Hassan Kadur and Astor with effect from the 15th August 1921

NOTIFICATION.

No. 307—*L. C., dated* 13*th February* 1917.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council the following report of the Select Committee appointed to consider the Bill to amend the law relating to Arbitration is published for general information.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the law relating to Arbitration.

We, the members of the Select Committee, appointed to consider the Bill to amend the law relating to Arbitration, have the honor to submit the following report to the Council—

2. We have examined the Bill carefully and have made only the following alterations therein :—

Clause I (3).—It is considered desirable that this Bill should come into force on the same day as the Mysore Companies Bill. As that Bill has been recommended to be brought into force on the 1st day of July 1918, a similar recommendation is made in regard to this Bill also.

Clause 3.—The only paragraphs of the second schedule of the Code of Civil Procedure, 1911, which refer to private arbitration are paragraphs 17, 18, 19, 20 and 21. It is considered sufficient if the provisions contained in those paragraphs are excepted from the operation of the Regulation. Hence the words " paragraphs 17, 18, 19, 20 and 21 of " are inserted between the word " and " and the words " the second schedule," and the words " and section 89 " are omitted.

Clause IX of the First Schedule.—The words " and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between a solicitor and client " are omitted.

3. We recommend that the Bill as amended by us may be passed.

4. As the Bill has not been materially amended we consider that it is unnecessary to publish the Bill as amended in the Gazette.

A. R. BANERJI.
P. RAGHAVENDRA RAO.
C. S. DORASWAMY IYER.
M. CHENGIAH CHETTY.
H. NARASINGA RAO.
S. SEETHARAMIAH.
B. K. GARUDACHAR.

A Bill to amend the law relating to Arbitration.

(As passed by the Mysore Legislative Council).

Whereas it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Arbitration Regulation 1917.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1918.

Application.

2. This Regulation shall apply to such areas and from such date as may be notified by Government in the official Gazette in this behalf.

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the 19

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 19

(*Signed*) X. Y.,
Arbitrator.

Dated the 19

FORM V.

Special case.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of Section 10, clause (*b*), of the said Regulation, stated for the opinion of the

* Here specify the Court

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether.....

.....

Secondly, whether.....

.....

(*Signed*) X. Y.
Arbitrator.

Dated the , 19

FORM VI.

Award.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of

Whereas in pursuance of an agreement in writing dated the day of 19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I award—

(1) that.....

.....

(2) that.....

.....

(*Signed*) X. Y.,
Arbitrator.

Dated the 19

4 4 35

G.R.S. 26] 4/1

Legis File No. 18-1
Serial No. 1

Diary No. of letter replied to

No. J 2727/80 / 12-1-16

General and Revenue Secretariat
( )
the 19

To
The Registrar, Chief Court
of Mysore, Bangalore.

Date of issue 12.1.1916

Sir

Signed by Mr. G. Sreenivasa Iyer

I am directed to forward herewith a copy of the Indian Arbitration Act, No IX of 1899 and to request you to favour Government with the opinion of the Judges of the Chief Court on the advisibility of introducing into Mysore a law on the lines of that Act.

2. In this connection I am

over.

SUBJECT.

to state as follows :-

3. The existing law relating to arbitration in the state is the same as it was in British India before 1898. It was found to be inadequate as the provisions in the Specific Relief Act were of a negative kind and those in the code of Civil Procedure were defective in that it was doubtful if they would apply to disputes which might arise in future and that they required the agreement to refer either ~~by to~~ to name the ~~to~~ a particular arbitrator or leave the court to appoint one. To remedy these defects the Indian Arbitration Act, 1899, was passed in British India and it is stated to be working well there. The necessity for such an enactment is also felt here as it is proposed to amend the law relating to joint

List of enclosures,

Copied by

Examined by

GPB—10,000—28-2-11.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

Power for parties in certain cases to supply vacancy.

(*a*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

Powers of arbitrator.

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

11. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

Award to be signed and filed.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under Section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power for Court to enlarge time for making award.

13. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

Power to remit award.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Power to set aside award.

15. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

Award when filed to be enforceable as a decree.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Costs.

17. Any order made by the Court under this Regulation may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

18. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission.

19. Where any party to a submission to which this Regulation applies, or any persons claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for Chief Court to make rules.

20. The Chief Court may make rules consistent with this Regulation as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*d*) generally, all proceedings in Court under this Regulation.

Amendment of section 21, Act I, 1877.

21. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure," the words and figures "and the Mysore Arbitration Regulation," shall be inserted, and for the words "a controversy," the words "present or future differences" shall be substituted.

Government to be bound.

22. The provisions of this Regulation shall be binding on the Government.

THE FIRST SCHEDULE.

(SEE SECTION 6.)

Provisions to be implied in submissions.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writting within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the , 19

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 19

(*Signed*) X. Y.,
Arbitrator.

Dated the , 19

FORM V.

Special case.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of Section 10, clause (*b*), of the said Regulation, stated for the opinion of the

* Here specify the Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether.....
.....

Secondly, whether.....
.....

(*Signed*) X. Y.
Arbitrator.

Dated the , 19

FORM VI.

Award.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing dated the day of , 19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I award—

(1) that.....
.....

(2) that.....
.....

(*Signed*) X. Y.,
Arbitrator.

Dated the , 19

writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them, respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, ~~and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.~~

THE SECOND SCHEDULE.

(See Section 18.)

FORM I.

Submission to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. C. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the , 19

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Mysore Arbitration Regulation

Whereas, by an agreement in writing, dated the day of 19 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned;

on the lines of the British

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Stock Companies and the Indian Act. provisions in the existing Regulation are found to be neither satisfactory nor well drafted.

6. The Select Committee of the Imperial Legislative Council appointed in 1913 to consider the Indian Companies Bill have reported as follows:-

Flag B.

"It has been urged upon us that it would be a more convenient and suitable arrangement if the provisions in the Indian Arbitration Act, 1899, were made applicable to arbitrations by companies. It is suggested that the provisions in clauses 15 to 177 of the Bill as introduced in this respect are neither satisfactory nor as well

GPB—20,000—7-7-14

drafted as those in the Indian Arbitration Act. The ordinary objections to referred legislation, moreover, does not apply in the present case as the provisions are part of the General law of arbitration rather than of company law. We think there is considerable force in these contentions and have embodied the amendment in the Bill as revised by us."

5. As the companies Bill has to be placed before the Legislative Council on the 28th January 1915, this reference may be treated as urgent so that necessary action may be taken for placing the Arbitration Bill also, if necessary, before the Legislative Council that day.

I have &c.

10/1/16

For Secretary to Govt.

G. D.

10/1/16

10/1/16

No. 3400/241

39

Chief Court of Mysore,

Bangalore, dated the 20th January 1916.

From

~~N.T. Gopaliengar, Esq., B.A., LL.B.,~~

Registrar of the Chief Court of Mysore.

To

D. M. Narasinga Rao, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

General Department.

Sir,

Adverting to your letter No: J.2727/Legis.18-15 dated the 12th instant forwarding a copy of the Indian Arbitration Act No: IX of 1899 and requesting that the Government may be favoured with the opinion of the Judges of this Court on the advisability of introducing into Mysore a law on the lines of that Act, I am directed to state that the Judges do not know of any objection to the introduction of the Act with suitable verbal alterations.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

H.C.C.

G. R. S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Legis
File No. 18-15
Serial No. 3

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 31. 3. 16

Signed by Dewan

Do No. 3930. dt 31-3-16

From Hon'ble the Resident in Mysore

To

My dear Sir

I enclose herewith copy of a Bill to amend the law relating to arbitration. The Statement of Objects and reasons explains clearly the scope of the measure.

The Bill will be placed before the Legislative Council in due course

Yours very sincerely

30.3.16

NR. 30.3.16

To The Hon'ble Col. Sir Hugh Daly K.C.I.E., C.S.I. Resident in Mysore Bangalore

28/3

ACT No. IX of 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[*Received the assent of the Governor General on the 3rd March, 1899.*]

An Act to amend the Law relating to Arbitration.

WHEREAS it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Arbitration Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force on the first day of July, 1899.

Application.

2. Subject to the provisions of section 23, this Act shall apply only in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted in a Presidency-town:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act applicable in any other local area as if it were a Presidency-town.

Exclusion of certain enactments in certain cases where Act applies.

I of 1877. XIV of 1882.

3. The last thirty-seven words of section 21 of the Specific Relief Act, 1877, and sections 523 to 526 of the Code of Civil Procedure, shall not apply to any submission or arbitration to which the provisions of this Act for the time being apply:

Provided that nothing in this Act shall affect any arbitration pending in a Presidency-town at the commencement

[*Price three annas and three pies.*]

~~commencement of this Act or~~ in any local area at the date of the application thereto of this ~~Act~~ as aforesaid, but shall apply to every arbitration commenced after ~~the commencement of this Act or~~ the date of the application thereof, ~~as the case may be,~~ under any agreement or order previously made :

Provided, also, that nothing in this Act shall affect the provisions of the Indian Companies Act, 1882, relating to arbitration. VI of 1882.

Definitions.

4. In this ~~Act~~, unless there is anything repugnant in the subject or context,—

(*a*) "the Court" means, ~~in the Presidency-towns, the High Court, and, elsewhere,~~ the Court of the District Judge ; and

(*b*) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

Provisions implied in submissions

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission.

Reference to arbitrator to be appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by the ~~Bengal~~ Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of the ~~Bengal~~ Chamber of Commerce.

~~8. (1) In~~

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (*1*) In any of the following cases :—

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator ;

(*b*) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy ;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;

(*d*) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy ;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(*2*) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

Power for parties in certain cases to supply vacancy.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

(*a*) if either of the appointed arbitrators refuses ~~to~~—

to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

Powers of arbitrator.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Award to be signed and filed.

11. (*1*) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

(*2*) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award,

and

and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(*3*) Where the arbitrators or umpire state a special case under section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

Power for Court to enlarge time for making award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit award.

13. (*1*) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(*2*) Where an award is remitted under sub-section (*1*), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Power to set aside award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Award when filed to be enforceable as a decree.

15. (*1*) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

(*2*) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

~~17. Any~~

Costs.

17. Any order made by the Court under this Act may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

18. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission.

19. Where any party to a submission to which this Act applies, or any person claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for High Court to make rules.

20. The High Court may make rules consistent with this Act as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the transfer to Presidency Courts of Small Causes for execution of awards filed, where the sum awarded does not exceed two thousand rupees;

(*d*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*e*) generally,

(Sections 21-23. The First Schedule.—Provisions to be implied in Submissions.)

(1) (a) generally, all proceedings in Court under this ~~Act~~ Regulation

I of 1877.

Amendment of section 21, Act I, 1877.

21. In section 21 of the Specific Relief Act, 1877, after the the words "Code of Civil Procedure" the words and figures "and the ~~Indian~~ Arbitration ~~Act, 1899~~," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

Crown to be bound.

22. The provisions of this ~~Act~~ shall be binding on the ~~Crown~~.

Special provision as to application of Act to Rangoon.

23. (*1*) This Act shall apply within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted within those local limits.

(*2*) For the purposes of this Act, the local limits aforesaid shall be deemed to be a Presidency-town and the Recorder of Rangoon shall have all the powers of a High Court.

THE FIRST SCHEDULE.

(*See section 6.*)

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

~~V. The~~

(*The First Schedule.—Provisions to be implied in Submissions. The Second Schedule.—Forms.*)

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(*See section 18.*)

FORM I.

Submission to single arbitrator.

In the matter of the ~~Indian~~ Arbitration ~~Act, 1899~~ :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D

Dated the ~~189~~

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the 189 .

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Indian Arbitration Act, 1899 :—

Whereas, by an agreement in writing, dated the day of , 18 and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned ;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.
C. D.

Dated the 189 .

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 189 .

(*Signed*) X. Y.,
Dated the , 189 *Arbitrator.*

(The Second Schedule.—Forms.)

FORM V.

Special case.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of

The following special case is, pursuant to the provisions of section 10, clause (*b*), of the said Act, stated for the opinion of the

*Here specify the Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether

Secondly, whether

Dated the 189 (*Signed*) X. Y., *Arbitrator.*

FORM VI.

Award.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of and C. D. of

Whereas in pursuance of an agreement in writing dated the day of , 19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*)

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :

I award—

(1) that

(2) that

Dated the 189 (*Signed*) X. Y., *Arbitrator.*

Government of India Central Printing Office.—No. 665 L. D.—13-5-99.—5,500—R. E.

8 copies

5[2]

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~~Draft~~ Statement of Objects and Reasons

The existing law relating to arbitration is the same as it was in British India before 1899. It was found to be inadequate as the provisions in the Specific Relief Act have a negative kind and then in the code of Civil Procedure were defective in that ~~it had~~ it was doubtful if they would apply to disputes which might arise in future and that they required the agreement to refer either to name the particular arbitrator or to leave ~~it~~ the court to appoint one. To remedy these defects the Indian Arbitration Act IX of 1899 was passed and it is stated to be working well in ~~Br.~~ British India ~~has been~~ but the necessity for further provisions is also felt here as it is proposed to amend the law relating to Joint-Stock Companies, and

52

The existing provisions in the existing Regulations are found to be unsatisfactory & will call drafted. The Bill is based entirely on the Indian Arbitration Act, 1899

14/12

29/11

Registered No. M—1175.

The Mysore Gazette.

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, APRIL, 15, 1916.

NOTIFICATION.

No. 356—L. C., dated 14th April 1916.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the law relating to Arbitration is published for general information with a Statement of Objects and Reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the law relating to Arbitration.

Whereas it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; His Highness the Maharaja, is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Arbitration Regulation.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of

Application

2. This Regulation shall apply to such areas and from such date as may be notified by Government in the official Gazette in this behalf.

3. The last thirty-seven words of Section 21 of the Specific Relief Act, 1877, and Section 89 and the second schedule of the Code of Civil Procedure, 1911, shall not apply to any submission or arbitration to which the provisions of this Regulation for the time being apply:

Exclusion of certain enactments in certain cases where Regulation applies.

Provided that nothing in this Regulation shall affect any arbitration pending in any local area at the date of the application thereto of this Regulation as aforesaid, but shall apply to every arbitration commenced after the date of the application of this Regulation, under any agreement or order previously made.

Definitions.

4. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "the Court" means the Court of the District Judge; and

(*b*) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

Provisions implied in submissions

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission.

Reference to arbitrator to be appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by a particular Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of a particular Chamber of Commerce.

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (1) In any of the following cases:—

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator;

(*b*) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him

(*d*) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

Power for parties in certain cases to supply vacancy.

(*a*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

Powers of arbitrator.

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

11. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

Award to be signed and filed.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under Section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power for Court to enlarge time for making award.

13. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

Power to remit award.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Power to set aside award.

15. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

Award when filed to be enforceable as a decree.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Costs.

17. Any order made by the Court under this Regulation may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

18. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission.

19. Where any party to a submission to which this Regulation applies, or any persons claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for Chief Court to make rules.

20. The Chief Court may make rules consistent with this Regulation as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*d*) generally, all proceeding in Court under this Regulation.

Amendment of section 21, Act I, 1877.

21. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure", the words and figures "and the Mysore Arbitration Regulation," shall be inserted, and for the words "all controversy" the words "present or future differences" shall be substituted.

Government to be bound.

22. The provisions of this Regulation shall be binding on the Government.

THE FIRST SCHEDULE.

(SEE SECTION 6.)

Provisions to be implied in submissions.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writting within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in

writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them, respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(See Section 18).

FORM I.

Submission to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Mysore Arbitration Regulation

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. C. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the 19

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Mysore Arbitration Regulation

Whereas, by an agreement in writing, dated the day of 19 , and made between A. B. of and C. D. of it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned;

Legis 18-15-4 J 2705 60

D. O. No. 7. 3534.

D. O. No. 2537.

THE MYSORE RESIDENCY,
Bangalore, 8th April 1916

My dear Dewan Saheb
Frontier Fresh Rush to the Resident

I am desired to acknowledge the receipt of your d.o. letter No. 3930, dated the 31st March 1916, forwarding a bill to amend the law relating to arbitration in Mysore, and, in reply, to say that the Resident sees no prima facie objection to the bill being laid before the Legislative Council.

Yours sincerely
V. S. Duncan

Secretary
8.4.16.
Rb
III
Out - RH

Sir M. Visvesvaraya, K.C.I.E.,
Dewan of Mysore.

G.R.S. VI-71]

61

SUBJECT.....

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Diary No. of letter replied to.....

GEN. & REVENUE SECRETARIAT. TRANSL. SEC. 9 - APR 1917

General and Revenue Secretariat

( )

, the 191

Date of issue 9/4/17

Signed by M. G. Srinivasa Iyer

Legis Section 18-15

File No.

Serial No. 5

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Read—

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Order ~~Thereon~~:— No. J 3597 9-4-17

Ordered that the accompanying Regulation (The Mysore Arbitration Regulation, 1917,) which

over

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

received the assent
of His Highness the
Maharaja on the 3rd
day of April 1917 be
published in the Mysore Gazette dated 12th April 1917
in information, ~~in Part~~
~~III of the Gazette~~ as
Regulation I of 1917.

for Secretary to Govt.
S. D

To
The Compiler, Mysore
Gazette for publication
in Part III of the Gazette
in English and in Kannada
and for supplying 200
spare copies in English and
100 in Kannada to this
Office and ~~200 in English~~
under me to the
Curator, Govt Central
Book Depot. Proof
should be sent to this Office by 3 P.M. tomorrow
for approval before publication.

List of enclosures.

Copied by

Examined by

REGULATION No. I OF 1917.

A Regulation to amend the Law relating to Arbitration.

Price Nine Pies

63

REGULATION No. I OF 1917.

A Regulation to amend the Law relating to Arbitration.

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The First Schedule.

The Second Schedule.

64

REGULATION No. I OF 1917.

(Received the assent of His Highness the Maharaja on the 3rd day of April 1917.)

A Regulation to amend the Law relating to Arbitration.

Whereas it is expedient to amend the Law relating to arbitration by agreement without the intervention of a Court of Justice; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Arbitration Regulation, 1917.

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1918.

Application.

2. This Regulation shall apply to such areas and from such date as may be notified by Government in the official Gazette in this behalf.

Exclusion of certain enactments in certain cases where Regulation applies.

3. The last thirty-seven words of Section 21 of the Specific Relief Act, 1877, and Section 89 and paragraphs 17, 18, 19, 20 and 21 of the second schedule of the Code of Civil Procedure, 1911, shall not apply to any submission or Arbitration to which the provisions of this Regulation for the time being apply:

Provided that nothing in this Regulation shall affect any arbitration pending in any local area at the date of the application thereto of this Regulation as aforesaid, but shall apply to every arbitration commenced after the date of the application of this Regulation, under any agreement or order previously made.

Definitions.

4. In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "the Court" means, the Court of the District Judge; and

(*b*) "submission" means, a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

Provisions implied in submissions.

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the First Schedule, in so far as they are applicable to the reference under submission.

Reference to arbitrator to be appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by a particular Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of a particular Chamber of Commerce.

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

8. (1) In any of the following cases :—

(*a*) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator ;

(*b*) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy ;

(*c*) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;

(*d*) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy ;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may,

on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

Power for parties in certain cases to supply vacancy.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

(*a*) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place;

(*b*) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court may set aside any appointment made in pursuance of clause (*b*) of this section.

Power of arbitrators.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

(*a*) have power to administer oaths to the parties and witnesses appearing;

(*b*) have power to state a special case for the opinion of the Court on any question of law involved; and

(*c*) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Award to be signed and filed

11. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming

under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under Section 10, clause (*b*), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

Power for Court to enlarge time for making award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit award.

13. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Power to set aside award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Award when filed to be enforceable as a decree.

15. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000 the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Power to remove arbitrator or umpire.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Costs.

17. Any order made by the Court under this Regulation may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms.

18. The forms set forth in the Second Schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

19. Where any party to a submission to which this Regulation applies, or any person claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings. Power to stay proceedings where there is a submission.

20. The Chief Court may make rules consistent with this Regulation as to-- Power for Chief Court to make rules.

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*d*) generally, all proceedings in Court under this Regulation.

21. In Section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure" the words and figures "and the Mysore Arbitration Regulation, 1917", shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted. Amendment of Section 21, Act 1, 1877.

22. The provisions of this Regulation shall be binding on the Government. Government to be bound.

THE FIRST SCHEDULE.

(SEE SECTION 6.)

Provision to be implied in submissions.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called

on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid.

THE SECOND SCHEDULE.

(See Section 18.)

FORM 1.

Submission to single arbitrator.

In the matter of the Mysore Arbitration Regulation, 1917 :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.

Dated the 19 C. D.

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Mysore Arbitration Regulation, 1917

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y. .....

(*Signed*) A. B.

Dated the 19 C. D

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Mysore Arbitration Regulation, 1917 :—

Whereas, by an agreement in writing, dated the day of 19 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned :

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning.

Now we, the said parties, A. B. and C. D ; do hereby refer the said matters in difference to the award of X. Y.

(*Signed*) A. B.

Dated the C. D.

19

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Mysore Arbitration Regulation, 1917, and an arbitration between A. B. of and C. D. of :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 19 .

(*Signed*) X. Y.

Dated the 19

Arbitrator.

FORM V.

Special case.

In the matter of the Mysore Arbitration Regulation, 1917, and an arbitration between A. B. of and C. D. of.

The following special case is, pursuant to the provisions of Section 10, clause (*b*) of the said Regulation, stated for the opinion of the

*Here specify the Court.

Here state the facts concisely in numbered paragraphs.)

The questions of law for the opinion of the said Court are:—

First, whether.....

.....

Secondly, whether.....
.....

(*Signed*) X. Y.,

Dated the 19 *Arbitrator.*

FORM VI.

Award.

In the matter of the Mysore Arbitration Regulation, 1917 and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing dated the day of .19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y. the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows:—

I award—

(1) that.....
.....

(2) that.....
.....

(*Signed*) X. Y.

Dated the 19 *Arbitrator.*

Price Nine Pies

D 3

G. R. S. VI—½G/32]

SUBJECT.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue 13.7.

Signed by

Section

File No.

Serial No.

No. J 2121

To

The Registrar

Civil Court

Sir

I am directed to ~~request~~ enquire ~~you to kindly let me know~~ whether any rules have been framed by the Civil Court under section 20 of the Mysore Arbitration Regulation I of 20 The number & date of the Proceedings may be kindly intimated early

I have etc

D. M.

13/7

for Secy to Govt Revenue

Rly
13/7

2067

Dy No 76
25-7-22

2-35
9

GEN & JUDL SECTT.
18 JUL 1921
4-55 pm

1921-22

BANGALORE.

Dated 15th July 1921.

Legis
No 1379

SECRETARIAT
19 JUL 1921

From

The REGISTRAR of the
Chief Court of Mysore.

To

The SECRETARY to the
Government of Mysore,
Revenue Department,
Bangalore.

Sir,

Adverting to your letter No. J. 221/Legis. dated 13th July 1921, requesting to intimate if any rules have been framed by the Chief Court under section 20, of the Mysore Arbitration Regulation of 1917, I am directed to state that no rules have been framed by the Chief Court.

I have the honour to be,
Sir,
Your most obedient servant,

N. Narasimhaiyangar

Dy. REGISTRAR.

N.G.

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G. R. S. VI—G/32]

SUBJECT.....

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.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue..... 13/1

Signed by..... H. C. [illegible]

H. B.

Section Legs'
File No. 18-15
Serial No. 8

No. L 15953

Notification

To

under the provisions of S. 2 of the Mysore Arbitration Regn., 1917, The Govt. are pleased to declare that the said Regn. shall apply to the Dts of Bangalore Mysore and Shimoga for a period from 1st March 1920

By order

D. M. 19/1/20 Chief Secy to Govt

To

Compiler, Mysore Gazette over for publication in part III of the Gazette, with a request that 25 copies may be sent to this Office

[illegible]

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 25/7

Signed by

Section Legs'

File No. 18-15

Serial No 9

No. 1445

Notification

To

Under the provisions of S. 2 of the Mysore Arbitration Regn., 1917 the Govt: are pleased to declare that the said Regulation shall apply to the Dts: of Kolar, Tumkur, Hassan, Kadur & Chitaldrug with effect from the 15th of August 1921

By order

[illegible]

1917

Rev. Secy

over:

25/7

2c

The compositor; Mysore Gazette for publication in part II of the Gazette & forward 25 spare copies to this office. Copies to Regr. Chief Court

18/7/21.

1446/

2 drafts

G. R. S. V1—G/32]

GEN. & REV. SEC. TYPING Sec. 19 JUN 1917

SUBJECT.....

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Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT

the *191*

Date of issue 16.6.17

Signed by M. G. Srinivasan

Dpr

Section

File No.

Serial No. 7

No. J 486 y
2 copies

To

The ~~the~~ Secretary to the
Government of His Highness
the Nizam, Judicial Dept.,
Hyderabad.

Sir

I am directed to forward herewith 2 copies of Regulation I of 1917 (The Mysore Arbitration Regulation)

I have &c

Sd/- illegible
for Secretary to Govt.

over

Jee
9/6/17

2 drafts

G. R. S. V1—G/32]

SUBJECT.....

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Diary No. of letter replied to .....

Section

File No.

Serial No. 6

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

No. Pol. 128/Ee. 9 copies

Date of issue 25th June 1917

To

The H. A. Resident

Signed by [illegible]

Sir

I am directed to forward herewith 9 copies of Regulation I of 1917 (The Mysore Arbitration Regulation).

I have &.

for Secretary to Govt

G. D

[illegible]

9/6/17

over.